

From: [Plevin, Lisa](#)
To: [Carrea, Steve](#)
Subject: FW: Soil Safe Project, Carteret, NJ
Date: Thursday, January 23, 2014 1:06:48 PM

Below for bb

Lisa J. Plevin
Chief of Staff, USEPA Reg. 2
290 Broadway
NY, NY 10007
212-637-5000

From: Debbie Mans [mailto:debbie@nynjbaykeeper.org]
Sent: Friday, January 03, 2014 1:31 PM
To: Plevin, Lisa
Subject: Re: Soil Safe Project, Carteret, NJ

Lisa

Thank you for your response. This is really a complex issue and a concern of many environmental and community groups, therefore, I would like to request a meeting with EPA to discuss further. Debbie

Debbie Mans, Executive Director & Baykeeper
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debbie@nynjbaykeeper.org

On Mon, Dec 30, 2013 at 1:17 PM, Plevin, Lisa <Plevin.Lisa@epa.gov> wrote:
Thx Deb. Appreciate the info.

Lisa J. Plevin
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From: Debbie Mans [mailto:debbie@nynjbaykeeper.org]
Sent: Monday, December 30, 2013 1:11 PM
To: Plevin, Lisa

Subject: Soil Safe Project, Carteret, NJ

Hi Lisa

I just wanted to bring to your attention an important issue for us along the Rahway River in Carteret, NJ. It has gotten a lot of press, including several negative editorials (see links below). We would be appreciative of any assistance the USEPA could provide.

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NJDEP approved conditional land use permits to Soil Safe, a Maryland company, to import 1.5 million tons of petroleum-contaminated soil and pile it up to 29 feet in a flood plain along the Rahway River in May 2013. The state air permit and the Class B recycling permit are pending.

The applicant states that it is doing this to "remediate" the site, which does include some sludge ponds from prior manufacturing uses in the area (this is the old American Cynamide site). The site has a "No Further Action" letter from NJDEP, which the applicant is attempting to get overturned or ignored. The applicant will not actually remove any contaminated material, but will rather pile on petroleum-contaminated material to create a cap for the site. The applicant has not yet shared with the public the process it intends to use for stabilizing the cap, but prior practices by Soil Safe in the state indicated that they use cement kiln dust or a very low level of Portland cement (i.e., 1%).

The applicant, the Rahway River Stormwater Council (non-governmental) and NY/NJ Baykeeper have all appealed the conditional permit. The applicant and NJDEP have moved into ADR process.

Key concerns include:

- The project will remove 90 acres of flood plain in an area that already has severe flooding problems. Communities along the river have asked DEP to do a professional evaluation of flood impacts and their requests have been ignored. Recently, Congressman Payne has asked the Army Corps to include the site in their flooding study of the Rahway River:

<http://www.mycentraljersey.com/article/20131225/NJNEWS/312250032/Army-Corps-to-study-Rahway-Arch-over-NJDEP-objections>

- Internal DEP engineer reviews of the project warn that the cap will likely collapse into the river and surrounding wetlands. They also question the logic of introducing new contaminants to the property as a way to "clean it up." All DEP staff concerns about the project are being overridden by the Governor's top staff.

- The company has a history of violations in New Jersey at their other sites.

- The project has numerous political connections. Governor Christie is ignoring flooding and toxic pollution problems to make political allies happy.

- The site is the same site that is proposed for a portion of the Turnpike Connector Road from Linden to Carteret. While USCG has issued a FONSI on the Connector Road, the agency did not require a map showing there would be no conflict of use of having a road run through an active landfill operation.

To read more:

http://blog.nj.com/njv_editorial_page/2013/12/why_the_haste_on_landfill_edit.html

blog.nj.com/njv_guest_blog/2013/07/rahway_river_project_deserves.html

blog.nj.com/njv_editorial_page/2013/07/state_must_be_cautious_with_ra.html

<http://newjersey.news12.com/news/kiyc-rahway-river-cleanup-part-2-1.5721553>
www.mycentraljersey.com/article/20130720/NJNEWS20/307200008/Environmentalists-

question-remediation-Carteret-toxic-site

In the short-term we are asking for the following:

- a public meeting in the impacted community on the pending air permit
- delay on the issuance of further permits until the USACE flooding study is complete

But ultimately, this is the wrong project for this ecologically sensitive site and should not move forward.

Please let me know if you have any questions. Thanks, Debbie

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January 29, 2014

HUFF
POST POLITICS

How Chris Christie's Contagious Political Culture Spreads

Posted: 01/28/2014 10:53 am

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"If this could happen at the Port Authority, how else has government been abused for the political advantage of the governor in other agencies?" -John Wisniewski, Chair, NJ Assembly Transportation Committee

For New Jersey Governor Chris Christie's administration, the political culture that resulted in the "Bridgegate" scandal seems more the rule than the exception. People close to Gov. Christie have been accused of engineering the closing of rush-hour traffic lanes leading to the George Washington Bridge in the town of Fort Lee. The closings are thought by some to be political retribution, possibly against Fort Lee Mayor Mark Sokolich for not endorsing Mr. Christie in the November 2013 election.

The U.S. Attorney for New Jersey is looking into the matter to see whether federal laws were violated, and the State Assembly has launched its own inquiry.

The scandal raises this important question: Are there other instances where the Christie administration may have misused its authority?

I have one, and it is deeply disturbing to the residents who live near the Rahway River in Carteret, as well as people who care about the New Jersey environment. A few years ago, a project proposed for that town was brought to my organization's attention. A Maryland-based company, Soil Safe Inc., plans to import at least two million tons of imported petroleum-contaminated soils to fill 90 acres of flood plain along the Rahway River. Lower-level Department of Environmental Protection (DEP) staff raised numerous red flags on this project, including the fact that the company claimed the site was so contaminated only a cap of additional contaminated soil could prevent pollution to the nearby river. The company has produced only inadequate data to support this claim.

Most alarming to NY/NJ Baykeeper, my organization that fights for clean water, was that the weight of this soil would be piled on top of unstable earthen berms right alongside the Rahway River. We feared a future collapse. And because DEP is leaving in place liability protections previously granted to the site's former owner, American Cyanamid, we knew that the taxpayers of New Jersey would have to pay for any future cleanup.

I felt reassured, however, when I read the strong objections of five different technical bureaus within DEP that raised significant concerns about the project. The reviews validated my fears about the project and I felt confident that -- based on the reviews -- it would never be issued permits. But lo and behold, at 5:36 p.m. on the night before Memorial Day weekend, the DEP issued unconventional "conditional permits" -- including one that would waive the prohibition to place hazardous materials in a flood plain.

We soon discovered that the agency had not even received key documents on the site before it issued the conditional permits, including the geotechnical report to substantiate the company's claims that the property could withstand the weight of two million tons of soil piled on top of it. How could DEP even consider issuing permits?

Communities along the Rahway River then began to loudly express concerns about the project's potential to worsen existing flooding, given that it proposed to fill in a flood plain in a highly urbanized area. Their concerns were especially resonant given the devastating flooding that occurred both in Hurricane Irene in 2012 and Hurricane Sandy in 2013. Suddenly, a high level political appointee at DEP began to send out letters telling mayors and residents not to worry about flooding. Five days prior to the first letter, this appointee attended a party -- at taxpayer expense -- hosted by one of the company's former attorneys.

The U.S. Army Corps of Engineers is including the project area in its pending flood management study of the Rahway River to see what impact filling 90 acres of a regularly flooded area might do to the adjacent communities, yet DEP's spokesman stated that they won't wait for the Corps' results to approve the project.

At his recent press conference, Governor Christie touted his bipartisan relationships. We wonder if those are driving this project, especially given that the company's president personally gave nearly \$30,000 to Governor Christie's Democratic BFF, NJ Senate President Stephen Sweeney and his associated campaigns over the last several years. The company also gave comparable donations. When Senator Sweeney was Director of the Gloucester County Freeholders, the County received millions of dollars in tipping fees from Soil Safe, which the County could spend "at its discretion." Additionally, among the property owners in Carteret is the law partner of Union County Democratic boss Senator Ray Lesniak.

The Newark Star-Ledger Editorial Board asked "Why the Haste?" on this project. We wonder too. In a post-Bridgegate world, we wonder even more. The question must be asked: if Governor Christie's staff is capable of gridlocking a city, are they also capable of disregarding their own agency staff's dire warnings and disdainfully dismissing the repeated objections of regularly flooded communities?

While the nation is transfixed on this one incident of lane closings, it is unfortunate that the residents of NJ have been subjected to "politics" in many other aspects of agency decision-making for the last four years.

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Bob E. (anthony_enlow)

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Scuba Skip Rowland (Scuba_Skip)

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28 JAN 2:12 PM

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Barb B. (Just_another_Tax_Payer)

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28 JAN 4:34 PM

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Debbie (Debbie_Mans)

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All of the primary documents, obtained through NJ's Open Public Records Act, supporting this article may be found here: <http://nynjbaykeeper.org/tell-governor-christie-to-stop-the-railway-arch-project-looming-flooding-and-environmental-disaster/>

29 JAN 11:07 AM

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